

Organization and Bylaws of the Planning Commission

Creation of the Planning Commission.

- A. Authorization.** A Planning Commission is hereby created and appointed by the Governing Body. There shall be nine regular voting members of the Planning Commission. Three additional Planning Commissioners may be appointed by the Governing Body as alternates, with voting privileges when regular Planning Commissioners are not present.

Terms of Members.

- A. Appointment.** All regular Commissioners shall be appointed for terms of three years, and each may serve for five (5) consecutive full terms {a temporary, alternate, or replacement term shall not be considered to be a full term}. Commissioners may be appointed again following a one-year waiting period following five (5) regular terms of service.
- B. Alternate Members.** Alternate Planning Commissioners may be appointed for terms of one (1), two (2) or three (3) years.
- C. Age and Residence Requirement.** Regular and alternate Planning Commissioners shall be at least 18 years of age, residents of the State of Kansas, and citizens of the United States of America.
- D. Removal.** Planning Commissioners may be removed for cause, including, but not limited to, failure to attend meetings, abuse of office, conflict of interest and abusive conduct, by a vote of the Governing Body. Any Planning Commissioner removed from office shall have the right to file an appeal, within 14 days of removal, for a full hearing of the matter before the Governing Body.
- E. Vacancy.** Appointments to fill vacancies of unexpired terms shall be made by the Governing Body.
- F. Compensation.** All members of the Planning Commission shall serve without pay or other compensation, except that all members shall be reimbursed for traveling or phone expenses.

Duties of the Planning Commission.

- A. Comprehensive Plan.** To make or cause to be made, or to update annually, a Comprehensive Plan for the Edgerton Planning Area; to propose and recommend all revisions and amendments to the Comprehensive Plan to the Governing Body.
- B. Public Hearings.** To give notice of and conduct all public hearings pertaining to matters of zoning, planning, and subdivision.

- C. Zoning.** To recommend all actions, after hearing, concerning zoning text and map amendments, and conditional uses for consideration to the Governing Body.
- D. Plans and Plats.** To review for final approval or disapproval all required site plans and preliminary and final plats.
- E. Conditions.** To add conditions to subdivision plats and zoning map amendments when, in the opinion of a majority of Planning Commissioners, such conditions are essential to the preservation of property values, the public health, safety and welfare, and the peaceful and quiet enjoyment of property.
- F. Variances.** To grant area and bulk variances on preliminary subdivision plats when, in the opinion of a majority of the Planning Commissioners, such variations are essential to preserve natural resources, overcome practical difficulty, and serve the public interest.
- G. Annual Meeting.** To hold an annual meeting in June of each year for the purpose of electing a Planning Commission Chair, a Vice Chair, and a Secretary. Elections shall be conducted in accord with Roberts Rules of Order by written or voice vote.
- H. Plan Review Meeting.** To hold an annual meeting for the purpose of reviewing the comprehensive plan and to update or amend the plan as necessary.

Meetings and Conduct.

A. Meetings.

1. All meetings shall be conducted by the Chair of the Planning Commission, or in his/her absence, by the Vice Chair or Secretary, or then by the most senior member. The Chair, and other officers, shall be elected by a simple majority of the Planning Commission on an annual basis. All officers shall serve for one year, or until their successors are elected, and may succeed themselves for each year during their terms.
2. All meetings of the Planning Commission, other than special meetings or work sessions, shall be held on the second Tuesday of each month at 7:00 PM at the Edgerton Community Building. When there is no official agenda, a meeting may be canceled at the discretion of the Chair. The Chair, or the Vice Chair in his/her absence, shall have the power to call any special meetings, or to change a meeting time or place.
3. Meetings shall generally be conducted in accord with Roberts Rules of Order.
4. The Chair shall have the authority to eject or cause to be ejected any person(s) whose behavior disturbs or unreasonable interrupts the proceedings of Planning Commission hearings.

B. Rules of Voting.

1. The Chair may vote in all official motions or elections and to break a tie vote on any motion. The Chair shall lead all discussions, and call for all votes, but generally, shall not enter into the substance of discussions except to form questions, give direction, focus purpose, and bring issues to closure.

2. All official votes shall be by simple majority of a quorum. A quorum shall be five members present.
3. Space reserved for future amendments.
4. All votes shall be "yes" or "no" by "voice" of the members; written votes are not allowed. The Chair may require reasons for the vote from each Commissioner when the magnitude of the change requested for the plan or zone change is extensive. Abstentions from voting, as distinguished from disqualifications, shall not be allowed. Official votes shall also be written by the secretary or designee in the form of minutes; minutes shall be approved at each meeting.
5. Any Commissioner, including the Chair may disqualify him or herself, without stating reasons, by announcing the disqualification for the record, and leaving the table at the beginning of a public hearing. In the case of a challenge by an applicant or member of the public, the Chair shall rule on disqualifications. Reasons for disqualification shall be, but are not limited to, the following:
 - a. To avoid the appearance of an impropriety.
 - b. If the planning commissioner is a property owner within the statutory distance for notification of hearing.
 - c. If the planning commissioner is a relative, employer or employee or business partner of an applicant.
 - d. If the planning commissioner is an agent for an applicant {in a business or legal capacity}.
 - e. If the planning commissioner serves on another elected or appointed board with an applicant.
 - f. If a planning commissioner is a constant, long term, and close social acquaintance of an applicant.
 - g. If the planning commissioner feels that he/she cannot render a fair and impartial judgment due to past association, hearsay, or actions of an applicant or member of a public hearing.
 - h. If the planning commissioner is a party to ex parte contact on a particular item of business that is subject to a public hearing.

C. Conduct of Hearings.

1. An Applicant, or an Agent for the Applicant, must be present to introduce a proposal for change, except that this rule may be waived by a 2/3-majority vote of the Planning Commission. If an applicant or agent is not present, and the rule is not waived, then the Applicant shall automatically be granted an extension until the next regularly scheduled meeting of the Planning Commission. If the Applicant fails to appear at the following meeting, the matter shall be deemed void and the Applicant must reapply. If the Applicant fails to attend the first regularly scheduled hearing, they shall be assessed the full cost of public notification, including postage, abstractor search [if necessary] and a \$20.00 Zoning Administrator surcharge for reprocessing.
2. All members [or their agents] attending a public hearing shall have the right to speak to the business at hand. The Planning Commission shall not hold a "closed meeting" or executive session unless it pertains to pending litigation, a matter of personnel, or debate and discussion on the rezoning of a specific parcel of land. The Chair may

set reasonable time limits for the duration of all discussions. At a public hearing, parties shall speak in the following order:

- a. The Planning Commission Chair opens the hearing by explaining the nature of the request, its location, and the action or votes required of the Planning Commission. Next, the Applicant or Agent introduces the proposal.
 - b. The Planning Commission/Staff may ask questions to clarify any points made by the Applicant. Following this, any member of the public hearing may request points of clarification.
 - c. The members of the public may speak to the proposal.
 - d. A period of rebuttal shall be allowed for the applicant and those in favor or opposition.
 - e. Final rebuttal for the applicant shall be allowed.
 - f. The Chair shall officially close the public hearing phase of the particular business at hand.
 - g. The Planning Commission shall debate the facts presented at the hearing.
3. Following debate, the Planning Commission shall vote on the motion. Decisions of the Commission shall be based upon facts entered into the record at the public hearing phase of the meeting, the recommendations of the staff, the adopted plan, and the preservation of health, public safety, and the general welfare.
 4. Appropriate considerations for voting on an issue may also include the need for the proposed change; the magnitude of the change; whether or not the change will bring harm to established property rights, and the effective use of land. Other considerations shall include, but are not limited to:
 - a. Demonstration of need for the change.
 - b. The character of the neighborhood.
 - c. The zoning designation of nearby properties.
 - d. The suitability of the use to which the property is now restricted.
 - e. Length of time the subject property has remained vacant under the current zoning designation.
 - f. The relative loss or gain to the subject property owner as compared to the relative loss of nearby property owners.

Effect of Voting.

- A.** Votes shall be cast either as "yes" or "no" on an issue. A majority vote "yes" shall be deemed to mean a positive recommendation to the Governing Body. A majority vote "no" shall mean a negative recommendation; a tie vote presented to the Governing Body shall have the same meaning as "no recommendation."
- B.** In the case of a final plat, the vote of endorsement by the Planning Commission is not advisory, and does not require approval by the Governing Body, however, the final plat shall be sent to the Governing Body for approval of all dedications of land for public purposes. If the Governing Body does not accept the dedications within 60 days after plat endorsement, the Register of Deeds shall not file the plat instrument, and all action shall be void.

- C.** In the case of a proposed zoning amendment to the land use map or the ordinance text, the vote of the Planning Commission is advisory. Upon receiving an advisory vote, the Governing Body may: (1) approve by resolution such recommendation, (2) override the recommendation by a 2/3 majority vote, (3) return the recommendation for study and/or a new hearing, together with a statement which specifies the Governing Body's reasons for refusal to approve or disapprove. If the Governing Body returns a recommendation, the Planning Commission may resubmit the original recommendation or submit new or amended recommendations without reconvening the Public Hearing. Upon receiving the returned recommendations from the Planning Commission, the Governing Body may, by a simple majority vote, adopt, revise or amend such recommendations. Failure to return a recommendation on the part of the Planning Commission shall be considered a re-submission of the original recommendation.
- D.** If, however, a protest against such amendment, supplement or change be filed in the office of the City Clerk within fourteen (14) days after the conclusion of the hearing pursuant to said publication notice, duly signed and acknowledged by twenty percent (20%) of the total area, excepting public streets or ways, located within or without the corporate limits of the city and located within two hundred (200) feet of the boundaries of the property proposed to be rezoned, such amendment shall not be passed except by at least three-fourths (3/4) vote of all the members of the Governing Body.